by general agents as to past transactions are admissible. *McGenness v. Adriatic Mills*, 116 Mass. 177; *Ins. Co. v. Woodruff*, 26 N. J. L. 541. *Contra*, *Smith v. N. C. R. Co.*, 68 N. Car. 107; *Randall v. Northwestern Tel. Co.*, 54 Wis. 140.

EVIDENCE—DOCUMENTS—SUPPRESSION—INFERENCE.—STOUT v. SANDS, 49 S. E. 428 (W. VA.).—*Held*, that when a *prima facie* case is made, and doubt is cast upon it by rebuttal evidence, suppression of a document relied upon as evidence by the opposite party raises a strong inference against the party failing to produce it, and determines the point in favor of the other party.

No inference would arise when the document would not be admissible without the opponent's consent. *Merwin v. Ward*, 15 Conn. 377; *Carter v. Troy Lumber Co.*, 138 Ill. 533. The inference is allowable only after notice to produce the document has been given before trial, *Emerson v. Fisk*, 6 Greenl. 290; *Tobin v. Shaw*, 45 Me. 331; and some secondary evidence of the contents of the document has been given. *Cross v. Bell*, 34 N. H. 82: *Jackson v. Johns*, 18 Johns. 331. *Contra*, *Runkle v. Burnham*, 153 U. S. 216; *Crescent Co. v. Ermann*, 36 La. 841.

EVIDENCE—PERSONAL INJURIES—SIZE OF FAMILY.—ST. LOUIS, I. M. & S. RY. CO. v. ADAMS, 85 S. W. 768. (ARK.).—In an action for personal injuries plaintiff was permitted to testify as to the size of his family and as to the assistance he received from them in his work. *Held*, that the admission of this evidence constituted reversible error.

The fact that the injured party has a family dependent upon him is not ordinarily admissible to enhance damages. *Pittsburg, Ft. W. & C. Ry. Co. v. Powers*, 74 Ill. 341; *Louisville & N. Ry. Co. v. Binion*, 107 Ala. 645. Nor is it competent for plaintiff to prove his pecuniary or social condition in general. *Kansas Pac. Ry. Co. v. Pointer*, 9 Kan. 620; *Pa. Ry. Co. v. Books*, 57 Pa. St. 339. In *Moore v. City of Huntington*, 31 W. Va. 842, it is held that the verdict will not be set aside if there is other evidence sufficient to sustain it. If the jury is properly charged as to the measure of damages, the admission of such testimony is not necessarily a cause for reversal. *City of Kinsley v. Morse*, 40 Kan. 577; *Central Pass. Ry. Co. v. Kuhn*, 86 Ky. 578. But the instruction as to the measure of damages must be specific. *Stephens v. H. & St. J. Ry. Co.*, 96 Mo. 207. It is stated in *Youngblood v. S. C., etc., Ry. Co.*, 60 S. C. 9., that when incapacity to support family is a proximate result of the injury, such evidence is admissible. And a similiar conclusion is reached in *San Antonio & A. P. Ry. Co. v. Robinson*, 73 Tex. 277.

INJUNCTIONS—INTERLOCUTORY—REVIEW ON APPEAL.—NORTHERN SECURITIES CO. v. HARRIMAN ET AL., 134 FED. 331.—When the judge of a lower court, in granting a preliminary injunction, was materially influenced by the consideration that the questions involved were, as he viewed them, serious and doubtful, and that an order denying the injunction would not be reversible upon appeal. *Held*, that the rule that the appellate court will not interfere with the exercise of the discretionary power of the court, unless it is abused, does not apply, and the question will be determined on the merits. Gray, J., *dissenting*.

This case hardly seems consistent with former decisions. The granting of a temporary injunction rests within the discretion of the court, *Buffington v. Harvey*, 95 U. S. 99.; and this discretion will not be interfered with by a higher court, *Powell v. Howard*, 81 Ga. 359; unless it clearly appears upon